

Conference of European Justice and Peace Commissions NEWSLETTER ON THE COUNCIL OF EUROPE

No. 10, November 2005

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Introduction

"The European Court of Human Rights is the moral conscience for 800 million Europeans who live in the Council of Europe's member-states. The court is of utmost importance in the defence of Human Rights."

This was said by **Mr Thomas Hammarberg** at a press conference on October 5th 2005 after his election to serve as CoE's **new Commissioner for Human Rights** from January 1st 2006. Mr Hammarberg is a Swedish parliamentarian who has served as Regional Advisor to the UN High Commissioner for Europe, Central Asia and the Caucasus. He has also been the

Secretary General of Amnesty International.

Mr Hammarberg also said that as he takes up office next year he will among other things focus on minorities' rights and combat xenophobia.

"Non-discrimination is the key when it comes to minorities. And only proactive measures can better their situation", he said.

Other areas that will have his attention are women's rights, the rights of persons with disabilities, and terrorism.

"Terrorism must be fought, but we may never resort to un-democratic measures as we do that."

As for the European Court of Human Rights Mr Hammarberg expressed concern for its over-loaded situation.

"Delayed justice is always a problem. But work is under way to ameliorate the work of the Court."

Learn more on:

[http://press.coe.int/cp/2005/510a\(2005\).htm](http://press.coe.int/cp/2005/510a(2005).htm)

Human Rights

During the fall-session of the meeting of the Conference of NGOs, the Human Rights grouping welcomed **Mr Alvaro Gil Robles**, outgoing Commissioner for Human Rights. In his address he said:

"Europe is going through a hard time. Its system of guarantees for its citizens is today challenged by terrorism as well as by irregular migration. These upset the balance of rights in the societies. Still racism and xenophobia must be fought. We may never take lightly on crimes against the Human Rights."

Mr Gil Robles added that work is on the way to include social rights in the Human Rights. Among these social rights he mentioned the rights of poor, handicapped, and homeless people.

The Grouping also received **Mr Jeroen Schokkenbroek**, Head of the Human Rights Intergovernmental Programmes Department, Directorate General of Human Rights of the CoE (DGII). He presented the new **Fundamental Rights Agency of the EU**, which is planned to be operational from January 1st 2007.

Mr Schokkenbroek welcomed this initiative, but expressed some concern that the new Agency risks overlapping the work of the CoE on Human Rights.

"The focus of the new Agency should be on EU-law, as the CoE sees it. It should not monitor the HR-status in the EU member-states, since that would only double the work already done by the CoE."

He saw three areas that need to be defined ahead of the launching of the EU-agency:

- which will be the institutional relationship between the HRs

agencies of the EU and of the CoE?

- in which way can the CoE play an active role in the new Fundamental Rights Agency of the EU?
- in what way can civil society play an active role in the Agency?

Learn more on:

http://europa.eu.int/comm/justice_home/news/consulting_public/fundamental_rights_agency/index_en.htm

On the 3rd of October the Parliamentary Assembly of the CoE (PACE) adopted a recommendation to the Committee of Ministers on **enforced disappearances**.

Enforced disappearances entail a deprivation of liberty, a refusal to acknowledge the deprivation of liberty or a concealment of the fate and the whereabouts of the disappeared person and the placing of the person outside the protection of the law.

"The PACE unequivocally condemns enforced disappearances as a very serious human rights violation on par with torture and murder, and it is concerned that this humanitarian scourge is still not eradicated, even in Europe."

The PACE therefore invites the Committee of Ministers of the CoE to express its support for the adoption by the UN Commission on Human Rights of a binding international instrument for the protection of all persons from enforced disappearances.

To read the full document:

<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta05/ERES1463.htm>

How to Find a Document

The number of documents produced at the CoE during the sessions of the PACE or the Committee of Ministers is impressive. A Newsletter like this one can only skim the surface of all these initiatives.

To better inform yourself on the variety of proposals and adopted texts you can **consult the CoE website**.

First go to www.coe.int. Choose either *Parliamentary Assembly* or *Committee of Ministers* on the top left-hand side of the page. A new page will open up.

On this second page you will find the heading *Documents* in the left margin of this page. Then choose to look at the list of either *Adopted Texts* or *Working Documents*.

Look for example on the sight of the PACE for the interesting reports **Accelerated Asylum Procedures in Council of Europe member states** (Document 10655) and **Co-Development Policy as a Positive Measure to Regulate Migratory Flows** (Document 10654).

Protocol 12

On 1st of April 2005 **Protocol 12 to the European Convention on Human Rights** entered into force. Still far too many countries have not yet signed and ratified the Protocol.

Mid-October during a seminar on the Protocol **Mrs Maud de Boer-Buquicchio**, Deputy Secretary General of the CoE, therefore urged all member-states to sign and ratify it:

"Protocol 12 has introduced the general prohibition of discrimination in the enjoyment of any right set forth by

law. It has filled an anachronistic gap in the European Convention on Human Rights. With Protocol 12 non-discrimination has become a right in itself, and no longer an accessory right", she said to the seminar.

She acknowledged the fact that some governments do not consider the Protocol as sufficiently precise, and that they prefer to wait until the European Court of HRs has clarified the approach of the Protocol. But she urged these governments to reconsider:

"There should be no room for hair-splitting hesitation when it comes to combating discrimination in our societies. After all, if the same standards had been required half a century ago, the Convention itself would never have seen the light of day."

To learn more:

<http://www.humanrights.coe.int/Prot12/Protocol%2012%20and%20Exp%20Rep.htm>

Media and Human Rights

A dormant Grouping of the NGOs of the CoE was re-launched on the 4th of October 2005. It is the **Media and Human Rights Group**.

The idea behind the re-launch is to find ways for this Grouping "to monitor and foster the democratic role of the media in the information society across Europe", and "to implement and put in force the Action Plan of the Council of Europe".

The drive to re-activate a media-group comes in the aftermath of the 7th European Ministerial Conference on Mass Media Policy in Kiev in March 2005.

Women and Religion

During its fall-session in early October the PACE adopted a report on **Women and Religion in Europe**.

In the summary of its report the **Committee on Equal Opportunities for Women and Men** writes:

"In the lives of many European women religion continues to play an important role. In fact, whether they are believers or not, most women are affected in one way or another by the attitude of different faiths towards women, directly or through their traditional influence on society or the State. This influence is seldom benign: women's rights are often curtailed or violated in the name of religion."

The Committee argues that all women living in the CoE member-states should have a right to equality and dignity in all areas of life.

It therefore calls on the member-states "to take the necessary measures to fully protect the women living in their country against violations of their rights based on or attributed to religion, and to take a stand against violations of women's human rights justified by religious or cultural relativism everywhere".

Interestingly, the adoption of this report is based on the following principle: **Human Rights precede Religious Rights**. This was the comment of one parliamentarian to the JPE-representative after the adoption of the report.

Read the entire report on:

<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta05/ERES1464.htm>

Education and Religion

In a report to the PACE the **Committee on Culture, Science and Education** writes:

"The PACE reaffirms that each person's religion, including the option of having no religion, is a strictly personal matter. However, many crisis situations are deeply rooted in cultural and religious tensions. Knowledge of religions is an integral part of knowledge of the history of mankind and civilizations. It is altogether distinct from belief in a specific religion and its observance."

The Committee therefore argues that a good general knowledge of religions is essential for a sense of tolerance in society and the exercise of democratic citizenship. And it proposes to the Committee of Ministers to examine possible approaches to teach about religions at primary and secondary levels in the schools of the CoE member-states.

The report including amendments was adopted on October 4th 2005.

Practical Proposals and Contact

This very important paragraph will let you easily get in contact with the JPE-representative to the CoE Henrik Alberius. It has become even more important after the change of our status at the CoE to become participatory.

Please send any questions, remarks, ideas, initiatives, and petitions for aid to:

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